



APPLICATION ACCEPTED: December 14, 2012
BOARD OF ZONING APPEALS: March 6, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 27, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-SU-087

SULLY DISTRICT

APPLICANT/OWNER: Janice Haber

STREET ADDRESS: 15304 Harmony Hill Court, Centreville 20120

SUBDIVISION: Pleasant Hill

TAX MAP REFERENCE: 53-4((5)) 63

LOT SIZE: 10,518 square feet

ZONING DISTRICT: R-C and WS

ZONING ORDINANCE PROVISION: 8-913

SPECIAL PERMIT PROPOSAL: To permit modification to certain yard requirements for R-C lots to permit the construction of an addition 12.4 feet from a side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

Susan Langdon/Reports

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

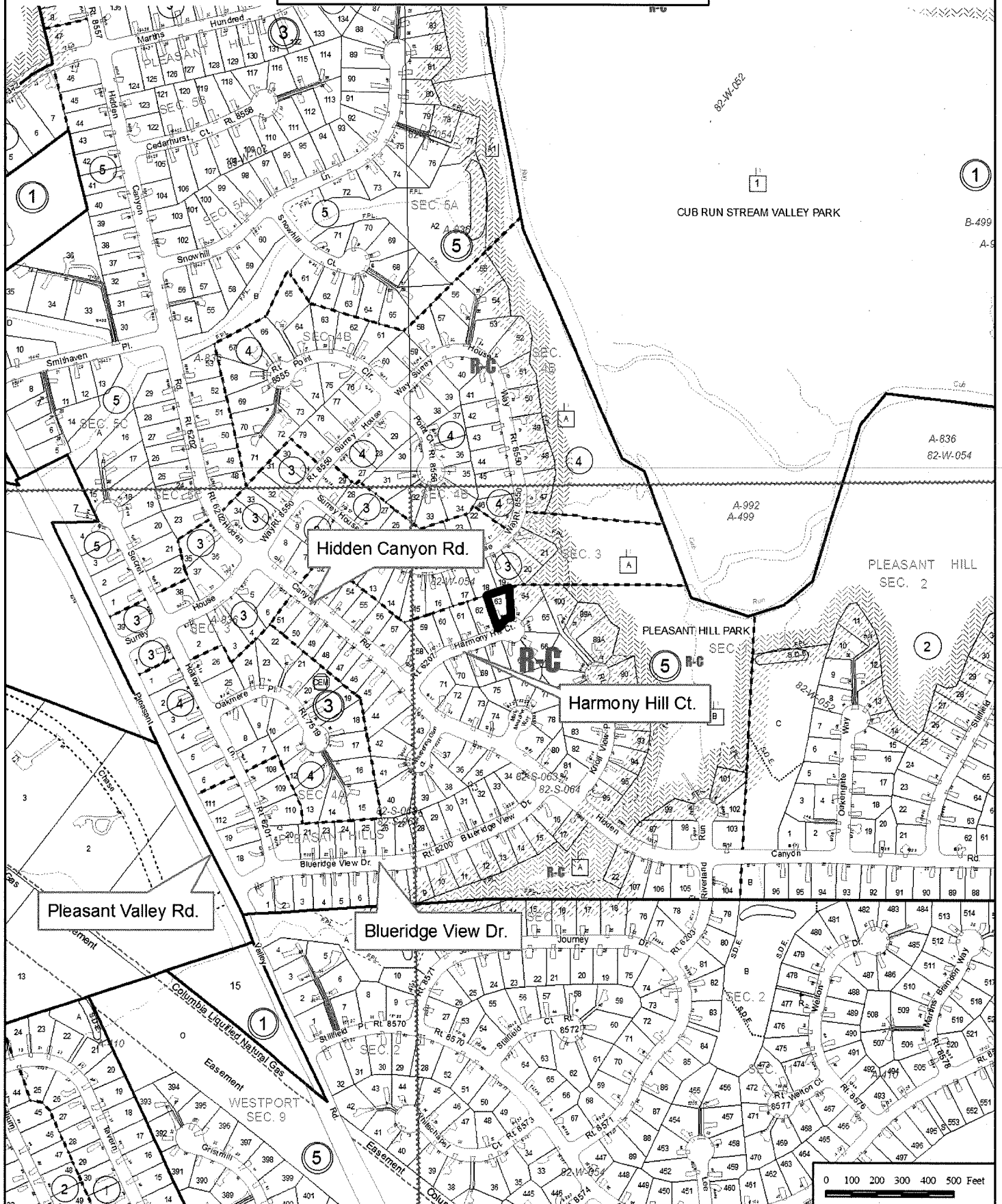
Special Permit

SP 2012-SU-087
JANICE HABER



Special Permit

SP 2012-SU-087
JANICE HABER



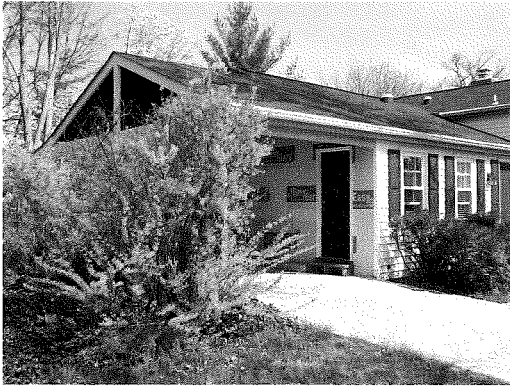
COMMONWEALTH OF VIRGINIA

Timothy J. Farrell
TIMOTHY J. FARRELL

Lic. No. 2683
9/2/10

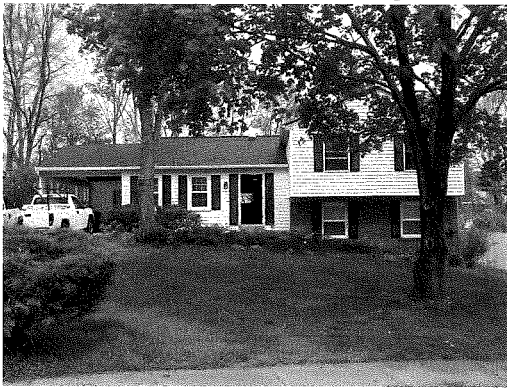
LAND SURVEYOR

Photo Date: March 23, 2012

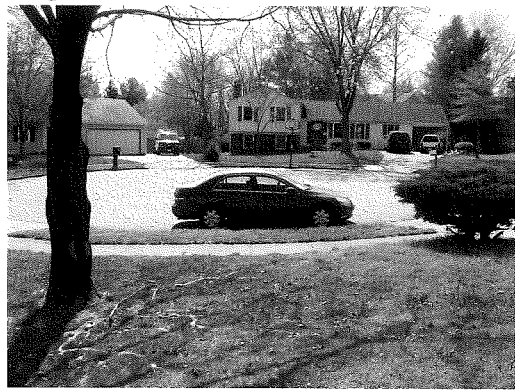


Left Corner of House View
from Adjacent Lot 62

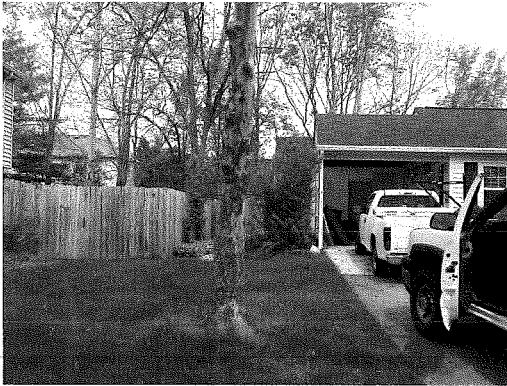
Photo Date: March 23, 2012



Front of House from Street



View of Street from Front of House



View of Left Side of House from Street



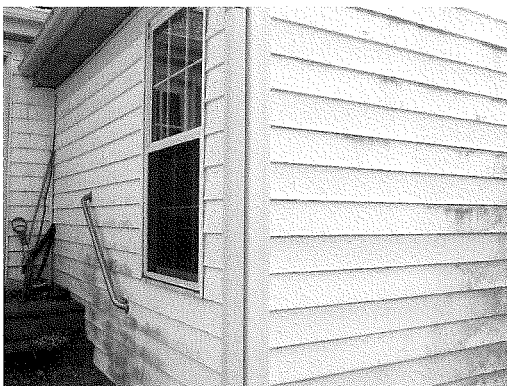
View of Street from Left Front Corner of House



View of Left Side of House (Carport) from Center of Adjacent Property Line (Lot 62)



View of Lot 62 from Left Side of House (Carport)

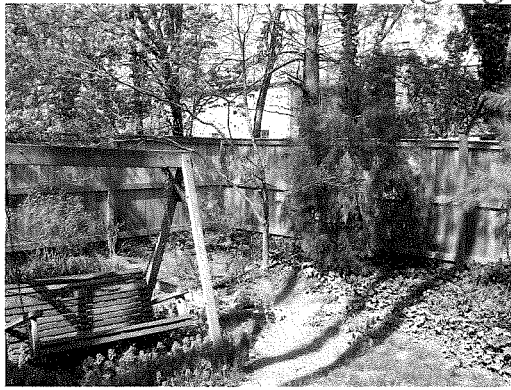


View of Left Side of House from Left Side Property Corner (Lot 62)

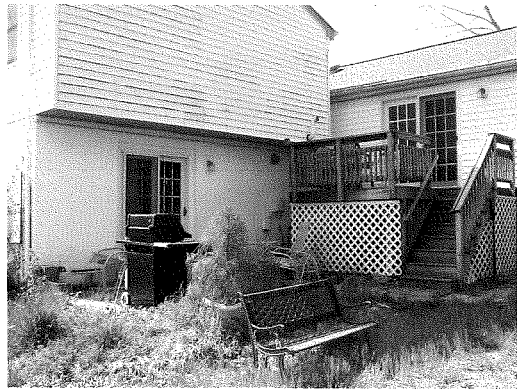


View of Left Rear Corner of House from Left Rear Property Corner

Photo Date: March 23, 2012



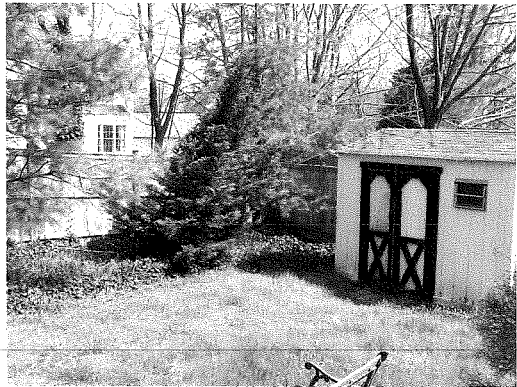
View of Left Rear Corner of Property
from Back of House



View of Back of House from Back Property Line



View of Backyard from Rear of House



View of Right Rear Corner of Property
from Back of House



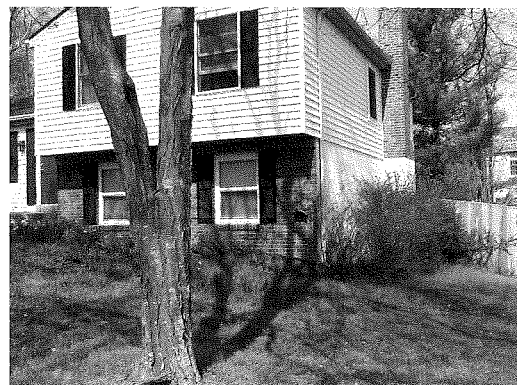
View of Right Rear of House from Right
Side Property Line Adjacent to Lot 64



View of Right Rear Corner of Property from
Right Rear Corner of House



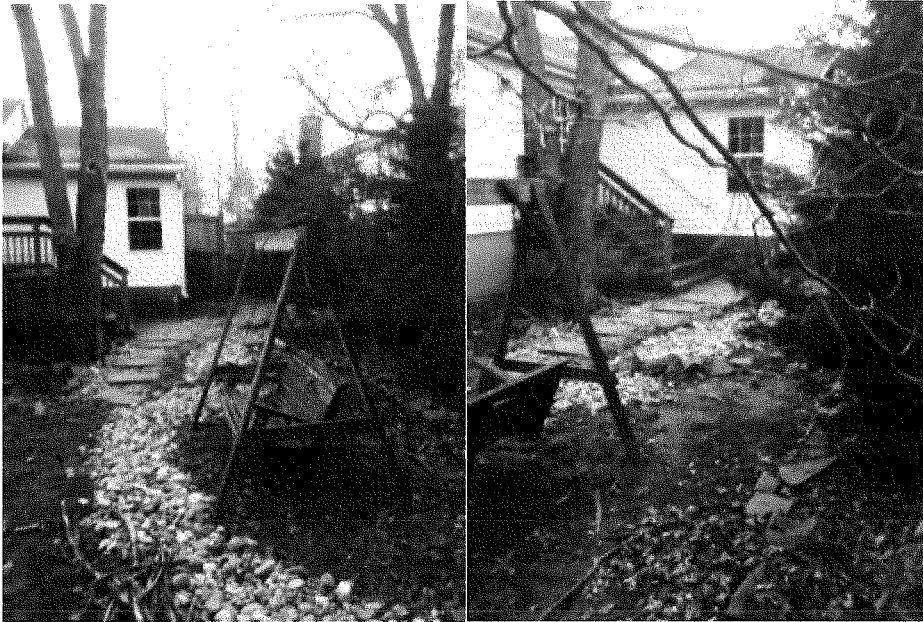
View of Front Street & Right Side of House from
Center of Right Property Line Adjacent to Lot 64



Front Right Corner View from Front
Left Corner of Lot 64



Center, Left , Right Rear Yard
Haber
15304 Harmony Hill Ct

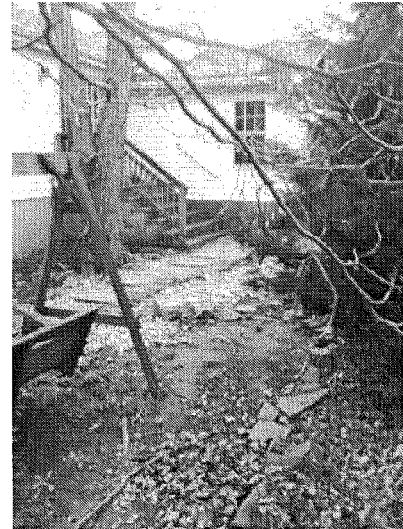


Right Rear Yard
Looking towards front of house; back of carport
Haber
15304 Harmony Hill Ct

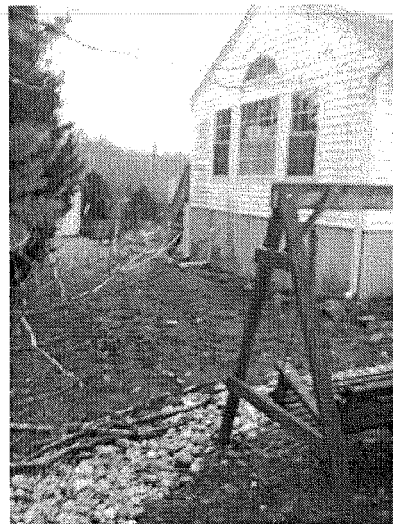
HABER SPECIAL PERMIT APPLICATION

Additional Photos 2/2

Sec 3.0



L-REAR
L-REAR YARD



C-REAR YARD



R-REAR YARD

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Department of Planning & Zoning

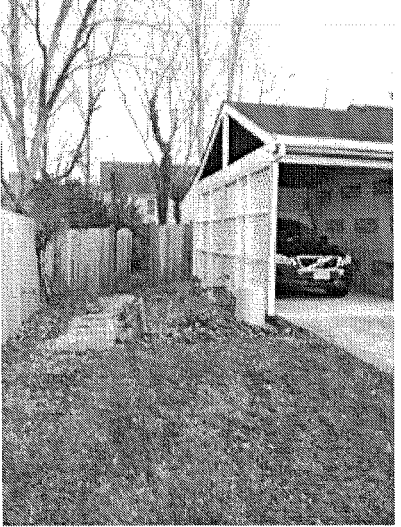
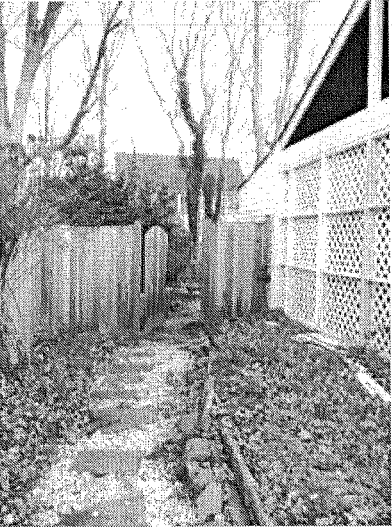
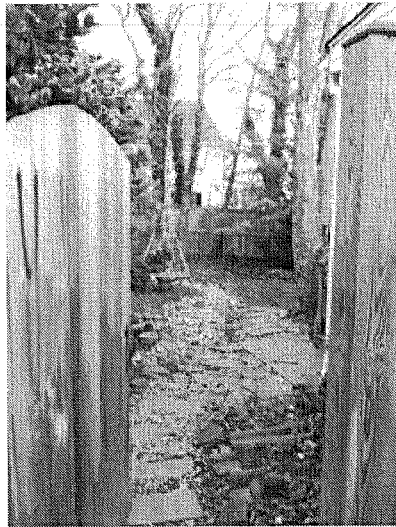
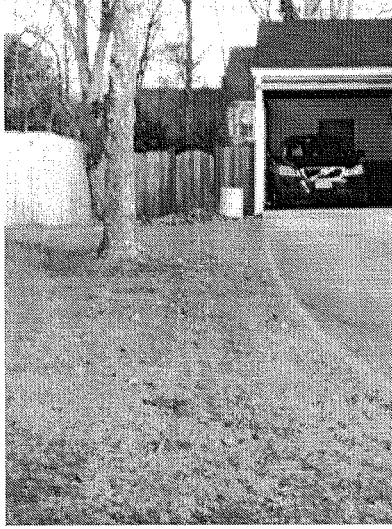
DEC 14 2012

Zoning Evaluation Division

HABER SPECIAL PERMIT APPLICATION

Additional Photos 1/2

Sec 3.0



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Department of Planning & Zoning

DEC 14 2012

Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit the modification of certain yard requirements for R-C lots to allow the construction of a garage addition, the enclosure of an existing carport, to be located 12.4 feet from the western side lot line.

| | Structure | Yard | Min. Yard Req.* | Structure Location | Proposed Reduction | Percent of Reduction |
|-----------------------|-----------|-------------|-----------------|--------------------|--------------------|----------------------|
| Special Permit | Garage | Side (west) | 20.0 feet | 12.4 feet | 7.6 feet | 38% |

The applicant states the carport is proposed to be converted into a single-car garage, with a standard 8 foot by 7 foot garage door. The exterior of the garage would be covered with siding to match the house's exterior. No changes to the current footprint of the dwelling is proposed. A copy of the special permit plat entitled "House Location Survey, Lot 63, Section One, Pleasant Hill" prepared by B.W. Smith and Associates, Inc. dated September 2, 2012, revised by Janice Haber, dated December 5, 2012, is included at the front of the staff report.

EXISTING SITE DESCRIPTION

The 10,518 square foot lot is currently zoned R-C and developed with a split-level, brick and frame, single family detached dwelling, constructed in 1978. The site is accessed via a driveway from Harmony Hill Court along the left side of the lot. A 6-foot high wood fence surrounds the rear yard. An open wood deck and concrete patio spans a portion of the rear of the existing dwelling and a shed is attached to the rear of the existing carport. A freestanding 8.0 foot high shed is located in the northeastern corner of the rear yard. A note on the special permit plat says the shed is to be removed. Foundation plantings exist along the front of the dwelling and trees and shrubs are scattered throughout the yard.

CHARACTER OF THE AREA

| | Zoning | Use |
|--------------|--------|----------------------------------|
| North | R-C | Single-Family Detached Dwellings |
| East | R-C | Single-Family Detached Dwellings |
| South | R-C | Single-Family Detached Dwellings |
| West | R-C | Single-Family Detached Dwellings |

BACKGROUND

The subject property was developed under the R-2 Cluster regulations. The property was zoned R-17 with rezoning B-264 by the Board of Supervisors on June 15, 1966, which in 1978 was converted to the R-2 Cluster District. On July 26, 1982, the property was rezoned to the R-C District as part of rezoning RZ 82-W-054. The R-2 Cluster regulations specified a minimum required side yard of eight (8) feet, with total minimum side yards of 24 feet. At the time the dwelling was constructed, it met the R-2 Cluster regulations. With the adoption of RZ 82-W-054, the property was subject to the R-C Zoning District regulations, which specify a minimum side yard of 20 feet.

Following the adoption of the current Ordinance, the BZA has heard many special permit and variance applications within the Pleasant Hill subdivision.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application meets all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006, General Standards
- Sect. 8-903, Standards for all Group 9 Uses
- Sect. 8-913, Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-SU-087

February 27, 2013

1. This special permit is approved for the location and size of a garage addition as shown on the plat entitled "House Location Survey, Lot 63, Section One, Pleasant Hill" prepared by B.W. Smith and Associates, Inc. dated September 2, 2010, revised by Janice Haber, dated December 5, 2012, submitted with this application and is not transferable to other land.
2. All applicable permits shall be obtained prior to any construction and approval of final inspections shall be obtained.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12 OCTOBER 2012
 (enter date affidavit is notarized)

I, JANICE HABER, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

118266

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|--|---|
| JANICE HABER | 15304 Harmony Hill Ct Centreville, VA 20120 | Applicant |

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12 OCTOBER 2012
(enter date affidavit is notarized)

118266

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12 OCTOBER 2012
(enter date affidavit is notarized)

118266

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12 OCTOBER 2012
(enter date affidavit is notarized)

118264

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12 OCTOBER 2012
(enter date affidavit is notarized)

118266

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

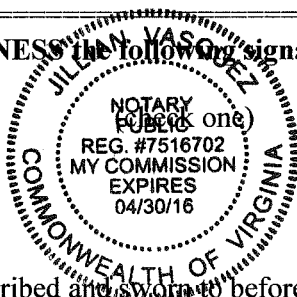
NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:



[Signature]

☒ Applicant

[] Applicant's Authorized Agent

JANICE HABER, APPLICANT HOMEOWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12th day of October 20 12, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 04/30/16

[Signature]
Notary Public

SUBMISSION REQUIREMENT**Section 5.0 WRITTEN STATEMENT OF JUSTIFICATION**

I propose to convert the existing carport at 15304 Harmony Hill Court in Centreville to a single car garage. The current carport includes a concrete base and is fully enclosed on two (2) sides (rear and right) and partially enclosed on one (1) side (left). The conversion would consist of fully enclosing the left side of the current carport and framing the face of the carport to allow for the installation of a standard 8' x 7' single car garage door. The exterior of the left side would be covered with siding to match the house's existing exterior. No footprint changes to the existing structure are required.

I am requesting a Special Permit under Ordinance 8-913 to modify and reduce the current setback requirements of 20' to 12.4' pursuant to Sections 1 through 3 of the Ordinance to allow for the carport to garage conversion. The lot (Lot 63) was rezoned to the R-C District in 1982 and the lot's final plat approval, which included the existing carport to be converted, was approved in 1979. No modification to the footprint of the carport or other existing structures will be required, therefore, the minimum yard requirement will not be affected. Additionally, the conversion of the carport to a garage will be harmonious with the existing homes within the neighborhood, as it will upgrade the appearance of the home and match other homes in the neighborhood that currently have garages.

Section 5.08

There are no known hazardous or toxic substances as set forth in title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; no hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 672-10-1-Virginia Hazardous waste management regulations; no petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated and/or disposed of onsite and there are no existing or proposed storage tanks or containers.

ADDITIONAL SUBMISSION REQUIREMENT**Section 902.00**

Modification shall result in a yard not less than the minimum yard requirement of the zoning district which was applicable to the lot on July 25, 1982. The minimum requirement is 8' with a total of 24'. The side yard in question is currently 12.4' with a total of 24.9'. The existing footprint will not be changed.

Section 904.00

Shed is to be removed at the time the carport is converted to a garage.

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DEC 14 2012

Zoning Evaluation Division

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-913 Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

The BZA shall approve a special permit to allow a modification to the minimum yard requirements of the R-C District, but only in accordance with the following provisions:

1. The proposed dwelling or addition thereto is on a lot which was comprehensively rezoned to the R-C District on July 26, 1982 or August 2, 1982 and such lot was: (a) the subject of final plat approval prior to July 26, 1982, or (b) recorded in accordance with a final consent decree entered in Chancery No. 78451 by the Fairfax County Circuit Court on September 17, 1985, or (c) recorded in accordance with a final consent decree entered in Chancery Nos. 78425, 78452, 78454, 78461, 78462 and 78465 by the Fairfax County Circuit Court on September 17, 1985, as amended by a final consent decree entered on November 25, 1991 by the Fairfax County Circuit Court in Chancery No. 123887.
2. Such modification shall result in a yard not less than the minimum yard requirement of the zoning district which was applicable to the lot on July 25, 1982.
3. Such a modification shall be approved if it is established that the resultant development will be harmonious with existing development in the neighborhood and will not adversely impact the public health, safety and welfare of the area.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat. Such plat shall be prepared by a certified land surveyor or registered engineer except plats submitted for additions to existing single family dwellings or accessory structures related to existing single family dwellings may be prepared by the applicant. Such plat shall contain the following information:
 - A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level and for accessory structures, the height of the highest point of the structure from finished ground level.
 - C. The distance from all property lines to the proposed building, structure or addition, shown to the nearest one-tenth of a foot.
 - D. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.
 - E. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.
 - F. The delineation of any Resource Protection Area and Resource Management Area.
 - G. The signature and certification number, if applicable, of the person preparing the plat.